

Appln. No. 10/662,152

Attorney Docket No. 12230-008

I. Remarks

Claims 1 through 7 are pending in the application. Claim 7 has been amended. No new claims have been added.

Claim Amendments

Claim 7 has been amended to correct the inadvertent omission of the word "includes" from the claim.

Summary of Invention

The present invention is directed to a thermoplastic laminate veneer for a pre-formed substrate. The veneer includes a top layer, an intermediate image and a bottom layer. The top layer includes a sheet of a first acrylic material. The intermediate image layer is formed of one or more sheets of a PVC material, and has at least one intermediate layer sheet having a face presenting an image. The bottom layer is formed of at least two sheets of a second acrylic material. The bonded interface between the at least two sheets of the second acrylic material causes a discontinuity that bridges a surface imperfection of the substrate when the veneer is mounted on the substrate. Thus, the veneer of the present invention helps reduce "telegraphing" of substrate surface irregularities and imperfections, thereby improving the aesthetic qualities of the resulting veneered product incorporating the veneer of the invention.

Rejections Under 35 USC § 103

Claims 1 through 7 were rejected under 35 USC §103(a) as being unpatentable over U.S. Publication No. 2001/0046594 issued to Takemoto in view of U.S. Patent No. 5,344,692 issued to Schmooch.

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In order to support a prima facie case of obviousness, each and every element of the claims must be found in the cited references. Further, there must be some motivation or suggestion in the cited references to combine the teachings of those references to arrive at Applicant's invention.

In the present case, the Examiner argues that Takemoto discloses every element and limitation of claim 1 including a bottom layer formed of at least two sheets of a second acrylic material. However, Takemoto does not disclose this limitation. Takemoto discloses a sealer layer 4 which may be made of an acrylic resin. The sealer layer is formed by coating a permeable substrate with a resin. (See paragraphs 45-47). Sealer layer 4 is disclosed as being a single layer and not two sheets of material as required by claim 1. Thus, the limitation of claim 1 which requires a bottom layer formed of at least two sheets of a second acrylic material is not taught by Takemoto.

The bottom layer is the layer of the veneer that is closest to and adjacent the substrate. The substrate is not part of the veneer. The substrate is the material to which the veneer is bonded. The Examiner's implication that the substrate is one of the sheets of the bottom layer is a mischaracterization of the Takemoto reference and cannot support a prima facie case of obviousness.

Schmooch discloses an inner layer 3 which is adjacent the substrate 2 of Schmooch. This inner layer like Applicant's bottom layer is positioned adjacent the substrate, however, the Schmooch inner layer does not include two sheets of acrylic material as required by claim 1 of the present application. Further, as disclosed at column 9, lines 21-26, inner layer 3 of Schmooch is selected in such a way that it equalizes the unevenness of the substrate. However, this selection is material

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selection and not by selecting a bottom layer that is comprised of multiple sheets as claimed in claim 1 of the present application.

Therefore, taken together or separately, Takemoto and Schmoeck do not disclose or suggest all of the elements or limitations of the present invention, as claimed in claim 1. Accordingly, Applicant respectfully requests allowance of claim 1 and its dependents.

SUMMARY

Pending Claims 1 through 7 as amended are patentable. Applicant respectfully requests the Examiner grant early allowance of these claims. The Examiner is invited to contact the undersigned attorneys for the Applicant via telephone if such communication would expedite this application.

Respectfully submitted,

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Date


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